OCTOBER 27, 2008 Historic Courtroom Hamilton County Courthouse 33 N. 9th Street Noblesville, Indiana

President Altman called the October 27, 2008 meeting of the Hamilton County Board of Commissioners to order and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Dillinger moved to approve the minutes of October 13, 2008. Holt seconded. Motion carried unanimously.

EXECUTIVE SESSION MEMORANDA

Dillinger moved to approve the Executive Session Memoranda of October 27, 2008. Holt seconded. Motion carried unanimously.

BID OPENING

Tax Administration System

Mr. Mike Howard opened the RFP's (Request for Proposals) for the Tax Administration System for Real and Personal Property. RFP's were received from: Manatron, GUTS, Nikish and Computronix. The RFP's were referred to the ISSD (Information System Services Department) for review and recommendation at the November 10, 2008 Commissioner's meeting.

Sheriff Vehicles

Howard opened the bids for the 2009 Sheriff Vehicles. Form 95, Non-Collusion Affidavit, Bid Bond were included unless otherwise specified.

- 1. W. Hare & Son Tahoe: \$25,134.51 each; Impala \$20,125.64 each.
- 2. Don Hinds Ford Ford CVPI \$21,273.00 each.
- 3. Bob Poynter Ford submitted a cashier's check in lieu of a Bid Bond. Crown Victoria \$23,478.36.

Dillinger moved to forward the bids to the Sheriff's Department for review and recommendation. Holt seconded. Motion carried unanimously.

HIGHWAY BUSINESS [1:21:17]

<u>Acceptance of Bonds and Letters of Credit – Highway Department</u>

Holt moved to accept Bonds and Letters of Credit for the highway department. Dillinger seconded. Motion carried unanimously.

- 1. HCHD #B-08-0041 Merchants Bonding Company License & Permit Bond #IN 19935 issued on behalf of R.N. Thompson Jr. & Associates Construction LLC, in the sum of \$5,000 for general contractor to expire October 7, 2009.
- 2. HCHD #B-08-0042 Continental Casualty Company Performance Bond #929465450 issued on behalf of E&B Paving, inc., in the sum of \$506,952.86 for Resurface Contract 08-3. Bond to remain in effect at least until one year after the date when final payment becomes due.
- 3. HCHD #B-08-0043 Continental Casualty Company Payment Bond ##929465450 issued on behalf of E&B Paving, inc., in the sum of \$506,952.86 for Resurface Contract 08-3. Bond to remain in effect at least until one year after the date when final payment becomes due.
- 4. HCHD #B-08-0044 Old Republic Surety Company License Bond #1202180 issued on behalf of Citizens Gas & Coke Utility in the sum of \$25,000 for installation and maintenance of gas lines in right of way for various locations in Hamilton County, Indiana. Bond to remain in effect until cancelled.

Release of Bonds and Letters of Credit – Highway Department

Holt moved to release Bonds and Letters of Credit for the highway department. Dillinger seconded. Motion carried unanimously.

1. HCHD #B-04-0103 – Fidelity and Deposit Company Annual Permit Bond #LPM7518468 issued on behalf of Citizens Gas & Coke Utility for annual permit. This bond is to be replaced by a new License Bond.

Concurrence with Traffic Study Correspondence

Holt moved to approve the List of Correspondence Concerning Investigations on Hamilton County Roads, dated October 27, 2008. Dillinger seconded. Motion carried unanimously.

1. Joseph Boyce regarding 106th Street and Monon Trail in Clay Township. Altman stated Indiana Law states that if someone is in the crosswalk we are to stop for them but they are wrong if they moved into the crosswalk if the did not have enough gap. Neal stated that is the way Indiana Law reads. Altman stated our recommendation is to install the baby Stop signs on each side of the trail? Neal stated there are currently Stop signs at that location but they are not a standard Stop sign. Altman clarified if there is a break in traffic it is the pedestrian's responsibility to make sure it is safe to go through with existing traffic. Neal stated that is the intent of the Stop signs; we are assigning right of way. Dillinger asked if a sign stating "Cross Traffic Does Not Stop" could be added to the Stop signs? Neal stated yes.

Riverwalk Project

The Riverwalk Project continues to be on schedule for a November 15, 2008 completion. The railing will be installed November 15, 2008. Neal requested concurrence on the color of concrete. Councilor Schwartz has given his approval of the color. Neal asked the Commissioners to let him know if they do not like the concrete color.

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Enhancement Projects [1:25:32]

Mr. Brad Davis informed the Commissioners that none of the Enhancement Applications submitted last year were accepted by the Indianapolis MPO (Metropolitan Planning Organization). \$18 million dollars was requested with only \$3.7 million dollars available. Westfield's extension of the Monon Trail will receive funding.

IRTC Policy Meeting

Altman reported that the IRTC (Indianapolis Regional Transportation Committee) Policy meeting will be Wednesday, October 29, 2008. Altman will vote to accept the recommendation for the enhancement projects unless her fellow Commissioners advise her otherwise.

Highway Meeting

The Commissioners will meet at the highway department on November 6, 2008 at 7:30 a.m.

2009 IRTIP

Davis reported the 2009 Call Out for IRTIP (Indianapolis Regional Transportation Improvement Program) was formally approved by the Metropolitan Development Commission. Projects are: Monon pedestrian bridge over 146th Street, Phase I of 146th Street West (Springmill Road to Ditch Road) and 96th Street (Mollenkopf to Fall Creek).

RADIO TOWER LOCATION [1:26:59]

Mr. John Barbee presented the two (2) options for the layout of the radio tower on the property east of SR. 37.

Option 1 – Tower Base North of the pond

- Large tree clearing area is needed to avoid guide wires.
- Designated wetland which could possibly require wetland mitigation, which has not been incorporated into the cost of the tower relocation.
- DLZ is doing a study to locate the flood plain elevation. The tower will be sitting in the Elwood Regulated Drain Easement which is in the flood plain. The grade would have to be built up for the radio tower building and tower base foundations. It is not comforting not knowing if the flood plain would be exceeded during a 100-year flood.
- There are 8.46 acres available for future development if the tower is north of the pond.

Option 2 – Tower Base South of the pond

- Wetland area is still to the north of the tower.
- There are two (2) areas of potential tree clearing but combined are much smaller than the Option 1 area.
- There are 6.68 acres for future development if the tower is south of the pond.

The recommendation of Envoy, the Sheriff's Department and the tower consultant is to use Option 2, this will get the tower out of the flood plain, we won't have to deal with IDEM and possible project delay and it will preserve as much forest and trees as possible. Barbee requested guidance on who would approach the Mallery's (adjoining landowners) regarding cutting down some of their trees for two guide stations. *Holt moved to approve Envoy's recommendation to move it south. Dillinger seconded.* Altman stated the southern portion allows the lake area to be used for recreation because the tower will be secured. Altman asked if they have looked at moving the tower site in a little bit? Barbee stated this drawing does reflect that. Barbee stated they had also discussed building under the guide wires; in the winter ice will form on the guide wires with significant icicles dropping from the wires and it is not advisable to build under the guide wires. During the winter that area should be closed due to the icicles. Altman stated one of the trees that will have to be removed from the Mallery property is a 36' walnut tree; Altman suggested having a new conference table milled from this tree with a plaque memorializing the Mallery family. *Motion carried unanimously*.

Barbee asked how should he proceed with the discussions with the Mallery's? Howard stated he will contact the Mallery's. Howard asked Barbee to have the surveyor mark the area to be negotiated.

HISTORIC COURTHOUSE SPACE STUDY

Dillinger informed Barbee that the Assessor needs to move the Jackson Township Assessor to the historic courthouse next month due to their current lease expiring. Space is needed for more than one person. Barbee will contact the Assessor. Dillinger moved to allow the County Assessor to use the corner office (former Port Authority office) as the space needs study continues to move the Jackson Township Assessor in. Holt seconded. Motion carried unanimously. Barbee asked if that space should be counted as future permanent space? Altman stated until we know how many spaces we have available the use of this office is temporary. Barbee confirmed they will consider it temporary unless the need is there.

ISSD

Microsoft Exchange Agreement

Holt moved to approve the Microsoft Exchange Agreement in the amount of \$34,750 to assist in planning for the migration from GroupWise to Exchange and a second agreement in the amount of \$64,750 to assist in the migration and implementation of Microsoft Exchange. Dillinger seconded. Motion carried unanimously. Casali explained that the GroupWise E-mail will be migrated to Microsoft Exchange in 2009. Fewer vendors are offering integration services for GroupWise. Dillinger asked if E-mails will be filtered better? Casali stated they do the best they can. The Commissioners should inform ISSD when they receive spam E-mails so they can be blocked.

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Purchase Order – SQL License

Ms. BJ Casali requested approval of a purchase order for Dell Computers for the SQL Server licenses in the amount of \$8,948.05. The server is a requirement of Manatron that both Proval and MVP Tax are on the same server so Manatron will meet the State certification requirements. Altman asked if the State is giving us money for this? Casali stated no, Manatron has requested a payment of \$35,000 to meet the State specifications. Hamilton County has refused to pay this amount until Manatron meets the State specifications. *Holt moved to approve the purchase order. Dillinger seconded. Motion carried unanimously.*

ATTORNEY

Ordinance 10-13-08-A, Dishonored Checks

Holt moved to approve Ordinance 10-13-08-A, An Ordinance Providing Remedies for Dishonored Checks Tendered to Hamilton County. Dillinger seconded. Motion carried unanimously.

Vehicle Repair Claim

Howard requested approval of payment of an \$8,577.33 for repair to a Sheriff's Vehicle. *Holt moved to table*. Sheriff Carter is to bring us more information at the next meeting. *Dillinger seconded. Motion carried unanimously*.

Release of Retainage Escrow Funds – R.E. Griesemer, Inc.

Dillinger moved to approve the partial release of retainage funds, \$34,433.67, for R.E. Griesemer, Inc. for work on the Jail project. Holt seconded. Motion carried unanimously.

Mendenhall & Associates Contract

Altman stated Tina Mendenhall has inserted a clause in her proposed contract, for grant administration, stating Mendenhall & Associates would work exclusively for Hamilton County. Howard has reviewed the contract and asked if this includes the Community Development Block Grant (CDBG)? Altman stated this is just the base contract. Howard confirmed that this does not include the Block Grant? Altman stated no. Holt asked if Howard could tell that when he read the contract? Howard stated he saw a work plan for implementation of the Block Grant. Altman stated Mendenhall sent two (2) proposals in addition to the revised contract. Howard stated on the Block Grant the proposal was for the Noblesville Housing Authority sub-contract for implementation and it also included that the county planning director and/or redevelopment authority would manage the funds. Howard stated he does not know what she is talking about doing with that money. Altman stated that is a proposal on those two grants, it is not the base contract. Howard stated he thought the proposal was for the Block Grant. Altman stated no, the proposal is a base \$100,000 to do new grant writing, work with all of the communities, etc. Altman stated she had sent the base contract to Howard earlier and did not resend, which may be the confusion. She had forwarded two proposals one for the Block Grant and one on the Foreclosure Grant. Dillinger stated he does not mind hiring her to administer the \$100,000 but the Block Grant should go to the Housing Authority. Altman stated until you see the proposal; anything we don't spend on administrative costs goes towards direct assistance. Howard stated he has spoken with Noblesville Housing Authority and they will be submitting a proposal. Altman stated on the new grant Mendenhall is proposing to run that grant for an administration fee of 3.4%. Howard stated she will not be doing any of the work, she will subcontract the work. Altman stated that is on the regular HUD proposal. Right now we have HUD monies going through to the tune of \$7-800,000 per year that is what the Housing Authority is currently under contract with the County to do that they are charging us 20% to do. Mendenhall proposed a fraction of that costs but she would continue to use the Housing Authority to subcontract. Altman is focused on the new grant money that is a two year grant proposal of over \$2 million. If we went with the Housing Authority they take the 10% because the grant says we can, we will lose one-quarter million in administrative costs. If we can have someone do the same work at a lesser rate that quarter million will go directly to the foreclosure project for which is was intended. Holt stated the Noblesville Housing Authority has requested we delay the decision until the next meeting. Altman stated she will work with Howard to make sure he has the correct contract. Howard stated the contract he has talks about hiring engineers to develop capital projects, bids, basically management structure. Altman stated that is base contract of \$100,000. Holt moved to table. Dillinger seconded. Motion carried unanimously.

ADMINISTRATIVE ASSISTANT

Justice Management Contract for Services

Swift requested approval of a Contract for Services with The Justice Management Institute (JMI) to conduct a study of criminal case processing the courts of Hamilton County. The total amount of the contract is \$28,000. The Commissioners questioned the Term of the Contract and asked Swift to contact the Court Administrator to clarify. Mr. Schierholz confirmed the contract is November 1, 2008 to June 15, 2009. Holt asked if the \$28,000 is county money or Indiana State Supreme Court money? Schierholz stated it is reimbursed from the State Supreme Court. *Holt moved to approve. Dillinger seconded. Motion carried unanimously.*

County Auction

Swift stated the county sale of surplus property was held October 18, 2008. The proceeds of the sale was \$37,000. A question on how to distribute the proceeds has arisen. \$21,000 was from the sale of highway vehicles; the highway department would like that much money deposited into their account. Davis stated Gross Sale Proceeds were \$37,975 of that amount the highway department portion was \$26,668. The other departments brought in \$11,307. Altman asked if the \$26,000 come from Motor Vehicle (MVH) or COIT (County Option Income Tax)? Davis stated yes. Altman stated it would be appropriate for those monies to revert back to those funds. Holt stated the question is do you revert the gross or the net? Altman stated it would be the net proceeds after the commission. Davis stated the gross is before the expenses. Expenses were \$4,421 for advertising and auctioneer services. This does not include the highway department staff time. Altman recommended pro-rating it between the two sums and the net pro-rated sum goes back to

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MVH and the balance back to the County General Fund. Dillinger so moved. *Holt seconded. Motion carried unanimously*. Davis stated the amounts would be:

Highway Department – 70.5% of gross proceeds; net amount would be \$23,548.75

Other Departments – expense share would be \$1,301.78 for a net of \$10,005.22.

The Sheriff's Department sale items included a vehicle where there is a court order that part of the proceeds to the attorney involved in that case – the fee would be \$650.00.

Community Corrections Advisory Board Appointments

Holt moved to re-appoint Stephenie Gookins, Stephanie Lyons, Steve Dillon and Larry Dawson to the Community Corrections Advisory Board. Dillinger seconded. Motion carried unanimously.

Indianapolis Airport Authority Appointment

Holt moved to table an appointment to the Indianapolis Airport Authority. Dillinger seconded. Motion carried unanimously.

Carmel Clay Schools Wage Determination Committee

Holt moved to appoint Marilyn Greenfield to the Carmel Clay Schools Wage Determination Committee. Dillinger seconded. Motion carried unanimously.

Kennel Licensing

Swift stated the issue of Kennel Licensing has been raised. Altman stated the County Council has to take the first step. Swift stated the question is if the Commissioners want to pursue a Kennel Licensing fee? Altman stated the problem is that the fee is less than the costs of administering the license and then a percentage of the fee goes to Purdue and it is not feasible. The township trustees did not want to do the work of collecting the fees if they did not receive any money. Holt asked what was the proposed fee? Swift stated \$5.00. Holt asked if it is statutory? Swift stated it can not exceed \$5.00 per kennel. Swift stated the financial aspect is ridiculous the issue is that the county does not have a kennel licensing process. Altman asked how many kennels are there? Swift stated we do not know but we have received calls requesting kennel licenses. Altman asked if we are sure we can't have a kennel license, is it the fee that we would charge or just the kennel license that is dependent on adopting the tax? Swift stated having a licensing process is dependent on having a county option dog tax. Altman requested clarification from the attorney. Howard stated we can have a license that requires they register but if we have a license we are preempt. Dillinger asked what is the definition of a kennel? Mr. Tom Rogers stated a small kennel is less than six (6) dogs, any more than six (6) dogs becomes a large kennel. Our county ordinance states that if you have more than three (3) dogs or more than three (3) cats in one household or any place else that is considered a kennel or cattery. We already have provisions under CFR (Code of Federal Regulations) #9 that would authorize the inspection so if we get any complaints on those facilities for health, maintenance or upkeep we have the authority to inspect the kennels. If there are any criminal acts or charges they can be cited under the ordinance or under state statute. Holt asked if the county ordinance requires a license? Rogers stated the ordinance does not say anything about a requirement for licensing a kennel; it identifies the definition of a kennel. Howard stated the kennel license is \$30.00 for not more than six (6) taxable dogs and \$50.00 for not more than six (6) taxable cats. He believes that 20% will still have to be sent to Purdue. Howard stated there would be public health issues that would be served by requiring licensing and inspections. The revenue won't cover the costs but for humane issues inspections should be done. Rogers stated his initial proposal, if they did enact a county option dog tax, would be to make a companion animal tax and tax both cats and dogs. The State mandate stipulates that we can charge a fee of not more than \$5.00 and unless you have a county option dog tax we can not assess any kind of licensing fee, 20% of the fee is required to be sent to Purdue for research. The tax, if set at \$2.50 would be used totally for administration. One of the issues was the Township Assessors do not want to deal with this. The law gives an option that the county can designate who they want do the licensing, Rogers's suggestions would be either veterinarians or the humane society and then they could assess an additional \$2.50 licensing fee which would be revenue. Howard stated if we take in money the State Board of Accounts requires it be deposited and a record be kept, it would be a total waste of effort. Altman stated she does not want every animal owner to have to come in to get a license; she is concerned with the breeders or houses that have multiple animals and are causing the neighbors problems. Altman would like to forget the money aspect and figure out what we need to be able to inspect so the animals and neighborhoods are safe. Dillinger stated he wants to assist Mr. Rogers on what he needs to get done but he is not interested in taxing anybody, anything right now. Rogers stated he thinks this can be done but the definition should be left in the ordinance or put it in the zoning or licensing requirements. Holt asked what are we charging for a breeder's license? Rogers stated nothing, the cost is mostly paper and most of it is completed by e-mail. He has issued 137 Breeder's Permits. He spends about three to four minutes per permit. Altman stated the whole idea is that we know where the breeders are and we can go inspect. The breeder's permit is more of leverage for spay and neutering and is working fine. Holt stated if we are not going to charge why would we not conform to the State statute rather than the three per kennel? Rogers stated for zoning purposes Noblesville has a limit of three. Holt asked if someone calls requesting a kennel license we tell them there is no such license? Rogers stated yes. Holt asked why not handle the kennel license as you handle the breeders license, so we know were they are located? Rogers stated we could do that. Rogers stated the key is the kennel permit would be for people who have a business or want to babysit animals as a business. Holt stated our ordinance does not read with business intent, when the task force adopted this ordinance it was not the business purpose, it was the nuisance. Rogers stated the nuisance portion of the ordinance is very functional. Holt asked Howard and Rogers to bring back a recommendation to the Commissioners.

Commissioners Conference

Swift will register all three Commissioners for the annual Indiana County Commissioners Association Conference.

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Security Cameras Interlocal Agreement with City of Noblesville

Holt moved to approve the Interlocal Agreement with the City of Noblesville for security cameras. Dillinger seconded. Motion carried unanimously. Altman asked that Noblesville be made aware that this cost could have been paid through UASI funding.

<u>Cell Phone Usage – Eric Juarez</u>

Eric Juarez has requested being allowed to offset his wife's extra cell phone minutes with the charges he pays for personal use of his county cell phone. The Commissioners denied the request.

COMMISSIONER COMMITTEE REPORTS

Mass Transportation in Central Indiana Survey

The Greater Indianapolis Chamber of Commerce and Metropolitan Indianapolis Board of Realtors jointly funded a survey to find out how much support is available for mass transportation in Central Indiana. The results indicated 60% or respondents support mass transit.

<u>UASI</u>

Altman stated Hamilton County will receive \$1 million from the FY 2008 UASI monies. We may be able to use the monies on mobile communications and she will bring back more information as it is determined.

E911 Legislation

Sheriff Carter reported he does not anticipate any additional legislation in regards to E911 in 2009 but it could come back in 2010.

Tax and Fiscal Policy

Altman testified to the Tax and Fiscal Policy Committee on the Northwest Commuter rail extension.

AUDITOR [2:26:55]

Liability Trust Claim

Dillinger moved to approve a Liability Trust Claim payable to Buckland & Associates in the amount of \$1,140. Holt seconded. Motion carried unanimously.

Capital Asset Forms

Dillinger moved to accept the Capital Asset Notification Forms. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - October 13, 2008

Holt moved to approve the release of Bonds and Letters of Credit for the drainage board dated October 13, 2008. Dillinger seconded. Motion carried unanimously.

Vendor Claims

Holt moved to approve Vendor Claims to be paid October 28, 2008. Dillinger seconded. Motion carried unanimously.

Payroll Claims

Holt moved to approve Payroll Claims for the period of September 22 to October 5, 2008 paid October 17, 2008 and October 6-19, 2008 paid October 31, 2008. Dillinger seconded. Motion carried unanimously.

Credit Applications

Mr. Scott Warner stated the Auditor has stopped signing credit applications due to the personal liability statement on the applications. Warner does not feel comfortable signing the applications and asked how to proceed. Altman stated the applications should be brought before the Commissioners. Howard asked Warner to make sure the applications are included in the meeting packet for review.

SHERIFF

Bid Award – 2009 Vehicles

Sheriff Carter recommended the bid for the 2009 Sheriff Department vehicles be awarded to Don Hinds Ford. *Holt moved to approve. Dillinger seconded. Motion carried unanimously.*

Repair of Sheriff Vehicles

Dillinger asked how is it determined who repairs the Sheriff vehicles and how much is spent on the repairs? Deputy Horine stated Miller's Auto Body has always been used for maintenance and repairs. The insurance adjuster and a representative from Miller's give estimates on repairing a vehicle. The incident in question had more damage than seen during the estimate. The car was put together and then it was discovered the video camera was not working, this incident was a rarity. Dillinger stated he understands this was extenuating circumstances but as a rule of business the Commissioners are concerned about how repair estimates are being handled. Horine stated this car was not driveable; in order to get three estimates the car would have to be put on a flatbed to three different places, which would have been at someone's expense. Sheriff Carter stated we looked at scraping the vehicle but there is a 40% fee for restocking the parts that we had purchased. Holt stated we agreed to table this issue to give the Sheriff an opportunity to speak with Truman Miller regarding the additional costs with the possibility of altering the final cost. Horine stated his understanding is that it has something to do with the ASC adjuster. The adjuster's estimate and Miller's estimate were very close, \$6,000 worth of parts were put on the car and then it was determined more work had to be done on the car; the frame and steering column needed replaced. Holt asked if these were things Miller's would have known about in

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the initial estimate? Horine stated no. Howard asked if our adjustor was there from day one when the initial \$8,000 was estimated? Horine stated yes. *Holt moved to remove the claim from the table. Dillinger seconded. Motion carried unanimously. Holt moved to approve the claim. Dillinger seconded. Motion carried unanimously.*

Dillinger moved to adjourn the meeting. Holt seconded. Motion carried unanimously.

Others Present

BJ Casali, ISSD

Scott Warner, Buildings & Grounds Tom Rogers, Animal Control Officer Ryan Horine, Sheriff's Department

Robin M. Mills, Auditor Fred Swift, Administrative Assistant to Commissioners Kim Rauch, Administrative Assistant to Auditor Michael Howard, Attorney Doug Carter, Sheriff Brad Davis, Highway Director Jim Neal, County Highway Engineer Joel Thurman, Highway Project Engineer Brandy Wariner, Highway Public Service Representative Dave Lucas, Highway Staff Engineer Christopher Burt, Highway Engineering Technician Tim Knapp, Highway Right-of-Way Manager Matt Knight, Highway Bridge Program Engineer Faraz Khan, Highway Staff Engineer Kathy Howard, Highway Department Administrative Manager Al Yankey, Citizen Tim Lacy, Bid Opening – Manatron Dennis Purvis, Bid Opening Ron Lantzer, BF&S BJ Casali, ISSD Patti Smith, BLN Becki Wise-Kent, USI Fred R. Collin, Bid Opening Floyd Burroughs, FEBA John Barbee, Envoy Julie Crask, ISSD Phyllis Williams, ISSD

HAMILTON COUNTY BOARD OF COMMISSIONERS
A TENTE OFF
ATTEST
Robin M. Mills, Auditor